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U.S. DISTRICT COURT E.D.N.Y.

★ AUG 12 2022 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

LITON KUMAR NATH,

Plaintiff,

v.

CONTINENTAL SYNERGISTICS and DANIEL
SOCIAS,

Defendants.

CV 22-4750

Civil Action No. 22-CV-_____

(_____, J.)

(_____, M.J.)

NOTICE OF REMOVAL

**VITALIANO, J.
SCANLON, M.J.**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that an action pending in the Supreme Court of the State of New York, County of Kings, has been removed to the United States District Court for the Eastern District of New York.

Breon Peace, United States Attorney for the Eastern District of New York, by Elizabeth B. Gates, Assistant United States Attorney, of counsel, respectfully states the following facts upon information and belief:

1. The action styled *Liton Kumar Nath v. Continental Synergistics and Daniel Socias*, Index No. 512513/2022, was commenced in the Supreme Court of the State of New York, County of Kings. *See* Summons and Verified Complaint (the "Verified Complaint"), dated April 29, 2022, and annexed hereto as Exhibit A.

2. This is a tort action in which plaintiff Nath alleges personal injury arising from an alleged motor-vehicle accident on April 1, 2021; Plaintiff names as defendants Daniel Socias, who was allegedly driving one of the vehicles involved in the alleged accident, and Continental Synergistics. *See* Exhibit A. Plaintiff asserts claims under the common law of New York State

and seeks monetary relief.

3. At the time of the tort alleged in the Verified Complaint, defendant Daniel Socias was a federal employee, and was acting within the scope of his employment. *See* Certification by Assistant U.S. Attorney Elizabeth B. Gates, dated August 11, 2022, attached hereto as Exhibit B.

4. Pursuant to 28 U.S.C. § 2679(d)(2), and the above-referenced Certification, the claim asserted against Daniel Socias is deemed to be a claim brought against the UNITED STATES OF AMERICA, and the UNITED STATES OF AMERICA is, by operation of law, substituted as the sole party defendant for Daniel Socias.

5. In accordance with 28 U.S.C. § 1446(a), a copy of the Summons and Verified Complaint is attached as Exhibit A.

6. Pursuant to 28 U.S.C. § 2679(d)(2), this action may be removed to this Court.

7. Pursuant to 28 U.S.C. §§ 2408 and 2679(d), the UNITED STATES OF AMERICA may remove this action without a bond.

WHEREFORE, it is respectfully requested that action styled *Liton Kumar Nath v. Continental Synergistics and Daniel Socias*, Index No. 512513/2022, pending in the Supreme Court of New York, County of Kings, be removed to this Court; and

In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of the Court, Supreme Court of New York, County of Kings, shall effect the removal, and the Supreme Court of New York, County of Kings, shall proceed no further with respect to the action, unless and until the case is remanded thereto.

[Remainder of page intentionally left blank]

Dated: Brooklyn, New York
August 12, 2022

BREON PEACE
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

By: /s/ Elizabeth B. Gates
ELIZABETH B. GATES
Assistant United States Attorney
(718) 254-6160
elizabeth.gates@usdoj.gov

To: Clerk of Court (by NYCEF and First Class Mail)
Supreme Court of the State of New York
County of Kings
360 Adams St.
Brooklyn, New York 11201

cc: MARK J. LINDER (by Federal Express)
Harmon, Linder, & Rogowsky, Esqs.
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665
Attorneys for Plaintiff

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS.

LITON KUMAR NATH

Plaintiff(s)

Index # 512513/2022

Docket Number: 1219116

- against -

CONTINENTIAL SYNERGISTICS ET AL

Defendant(s)

Notice Pursuant
to Section 253
of the Vehicle
& Traffic Law
of the State of New York

Please take notice that a copy of the within summons and complaint along with the statutory fee of \$10 was served upon the Secretary of State of New York pursuant to Section 253 of the Vehicle and Traffic Law on May 6, 2022 at THE OFFICE OF THE SECRETARY OF STATE 99 WASHINGTON AVE ALBANY, NY 12231.

Dated May 6, 2022

New York, New York

HARMON, LINDER & ROGOWSKY,
ESQS.

3 PARK AVENUE, SUITE 2300
NEW YORK, NY 10016

Tel: 212-732-3665

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NYSCEF DOC. NO. 1

INDEX NO. 512513/2022

RECEIVED NYSCEF: 04/29/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF **KINGS**

-----x
LITON KUMAR NATH,

VERIFIED COMPLAINT

Plaintiff,

-against-

CONTINENTIAL SYNERGISTICS and DANIEL SOCIAS,

Defendants.
-----x

Plaintiff, complaining of the defendants herein by her
attorneys, HARMON, LINDER & ROGOWSKY, ESQS., respectfully sets
forth and alleges, as follows:

**AS AND FOR A CAUSE OF ACTION
ON BEHALF OF LITON KUMAR NATH**

1. That the accident herein complained of **occurred** within the
County of **KINGS**, State of New York.
2. That at all times herein mentioned defendant, **CONTINENTIAL
SYNERGISTICS**, was a corporation authorized to do business in the
State of New York.
3. That at all times herein mentioned defendant, **CONTINENTIAL
SYNERGISTICS**, was the owner of an automobile bearing
registration number **J88HHK**, State of New Jersey.

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4. That at all times herein mentioned defendant, **DANIEL SOCIAS**, was the operator of the aforesaid automobile bearing registration number **J88HHK**, State of New Jersey.

5. That at all times herein mentioned defendant, **DANIEL SOCIAS**, was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant, **CONTINENTAL SYNERGISTICS**, with the knowledge, consent, and permission, either express or implied of the defendant owner thereof.

6. That at all times herein mentioned plaintiff, **LITON KUMAR NATH**, was the operator of an automobile bearing registration number **T711104C**, State of New York.

7. That on the **First Day of April 2021**, at approximately **4:50 p.m.**, the aforesaid vehicles came into contact with plaintiff's vehicle at **58th Street**, at or near its intersection with **13th Avenue**, a public street and thoroughfare, in the County of **Kings**, State of New York.

8. The defendants so carelessly and negligently operated their aforesaid respective vehicles so as to cause the aforesaid contact.

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9. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.

10. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.

11. That this plaintiff has sustained a serious injury as the same is defined in Subdivision "d" of Section 5102 of the Insurance Law of the State of New York.

12. That this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

13. That by reason of the foregoing, plaintiff, **LITON KUMAR NATH**, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

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WHEREFORE, plaintiff, LITON KUMAR NATH, demands judgement against the defendant in the Cause of Action in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction; all together with the costs and disbursements of this action.

Dated: New York, NY
April 26, 2022

Mark J. Linder, Esq.

HARMON, LINDER & ROGOWSKY, ESQS.
Attorney(s) for Plaintiff(s)
3 Park Avenue, Suite 2300
New York, New York 10016
(212) 732-3665
MJL/kw

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ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted to practice in the Courts of New York State,
and say that:

I am the attorney of record or of counsel with the attorney(s) of record for plaintiff.

I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the
contents thereof and the same are true to my knowledge, except those matters therein which are
stated to be alleged on information and belief. As to those matters, I believe them to be true. My
belief, as to those matters therein not stated upon knowledge is based upon the following:

Interviews and/or discussions with the plaintiff(s) and papers and/or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff resides
outside of the county from where your deponent maintains his office for the practice of law.

Dated: New York, New York
April 26, 2022

Mark J. Linder

Mark J. Linder, Esq.

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Index No.

Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

LITON KUMAR NATH,

Plaintiff,

-against-

CONTINENTIAL SYNERGISTICS and DANIEL SOCIAS,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

HARMON, LINDER & ROGOSWKY, ESQS.

Attorney for Plaintiff(s)

3 Park Avenue, 23rd Floor

Suite 2300

New York, NY 10016

(212) 732-3665 Phone

(212) 732-1462 Fax

To:

Attorney(s) for Defendant

Service of a copy of the within Summons and Complaint is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

☐ Notice of Settlement

that an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named Court, at _____
on _____.

Dated:

Yours, etc.

Harmon, Linder & Rogowsky, Esqs.

Attorneys for Plaintiff

3 Park Avenue, Suite 2300

New York, NY 10016

(212) 732-3665

LITON KUMAR NATH

AGAINST

CONTINENTIAL SYNERGISTICS ET AL

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

NOTICE OF ELECTRONIC FILING (Mandatory Case) (Uniform Rule § 202.5-bb)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

*If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

*If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- *serving and filing your documents electronically
- *free access to view and print your e-filed documents
- *limiting your number of trips to the courthouse
- *paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- *visit: www.nycourts.gov/efile-unrepresented or
- *contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys (E-filing is Mandatory for Attorneys)

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate

such

equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

DATE: 4/29/2022

~~HARMON, LINDER & ROGOWSKY, ESQS.~~

HARMON, LINDER & ROGOWSKY, ESQS.
3 PARK AVENUE, SUITE 2300
NEW YORK, NY 10016
Tel: 212-732-3665

Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LITON KUMAR NATH,

Plaintiff,

v.

CONTINENTAL SYNERGISTICS and DANIEL SOCAS,

Defendants.

CERTIFICATION

Civil Action No. 22-CV-_____

(_____, J.)

(_____, M.J.)

By virtue of the authority vested in this Office by the Attorney General pursuant to 28 C.F.R. § 15.4, it is hereby certified on the basis of the information now available with respect to the incident alleged in the Verified Complaint that defendant DANIEL SOCIAS was acting within the scope of his employment as an employee of the UNITED STATES OF AMERICA for purposes of the Federal Tort Claims Act at the time of the incident out of which the claims alleged in the Verified Complaint arose. Accordingly, pursuant to 28 U.S.C. § 2679(d)(2), the UNITED STATES OF AMERICA is hereby substituted by operation of law as the party defendant for defendant DANIEL SOCIAS, and any and all claims asserted in the Verified Complaint against defendant DANIEL SOCIAS shall be, and hereby are, deemed to be claims for relief against the UNITED STATES OF AMERICA.

Dated: Brooklyn, New York
August 11, 2022

BREON PEACE
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

By: /s/ Elizabeth B. Gates

ELIZABETH B. GATES
Assistant United States Attorney
(718) 254-6160
elizabeth.gates@usdoj.gov